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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,027	07/10/2001	Pekka Marjelund	975.357USW1	1526
32294	7590	02/03/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			PEZZLO, JOHN	
14TH FLOOR			ART UNIT	
8000 TOWERS CRESCENT			PAPER NUMBER	
TYSONS CORNER, VA 22182			2662	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,027

Applicant(s)

MARJELUND ET AL.

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7, 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 2-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg et al. (US 6,570,856 B1) hereinafter Freeburg in view of Moore et al. (US 5,953,336) hereinafter Moore.

1. Regarding claims 9, 11, and 12 – Freeburg discloses obtaining information related to transmission resources required for handling real time traffic in a radio network controller, refer to Figure 14 and column 10 lines 20 to 45 and column 12 lines 34 to 65.

Freeburg does not expressly disclose reserving transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a radio transceiver device of said radio access network and the information related to the transmission resources required for handling real time traffic by said radio transceiver.

Moore discloses reserving transmission resources for handling non-real time traffic dynamically based on a knowledge of overall available transmission resources of a device of said network and the

information related to the transmission resources required for handling real time traffic, refer to Figure 4 and the abstract and column 2 lines 25 to 65 and column 4 lines 5 to 30 and column 8 lines 10 to 56.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Freeburg with Moore to provide dynamic allocation for non-real time traffic based on the extra capacity left after accommodating real time traffic. The suggestion/motivation for doing so would have been that Freeburg discloses distinguishing between real time and non real time service categories, refer to column 2 lines 23 to 35 and column 10 lines 25 to 45 and column 14 lines 45 to 53. The benefit being that ATM traffic includes both real time (CBR) and non real time (VBR and ABR) and providing these same services to wireless customers will enhance the system capabilities and increase sales and profits.

Freeburg discloses the respectively allocated reserved transmission resources are distinguished on the basis of ATM virtual path identifiers and virtual channel identifiers, refer to column 8 lines 30 to 40 and column 10 lines 50 to 65 and column 12 lines 34 to 55.

2. Regarding claim 2 – Freeburg does not expressly disclose said reserving of transmission resources for handling non-real time traffic resides in determining the difference between the overall available transmission resources of said radio transceiver device of said radio access network and the transmission resources required for handling real time traffic, wherein said difference is the reserved transmission resources for the non-real time traffic.

Moore discloses an ATM system, which handles both real time and non real time traffic. Moore discloses providing for real time traffic and the extra capacity, which is the difference between the capacity of the channel (total bandwidth) and the bandwidth required for the real time traffic is allocated

to the non real time traffic, refer to Figure 4 and the abstract and column 2 lines 25 to 65 and column 4 lines 5 to 30 and column 8 lines 10 to 56.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Freeburg with Moore to allocate the extra capacity (difference between the total capacity and the capacity required for the real time traffic) for non real time data. The suggestion/motivation for doing so would have been that Freeburg discloses distinguishing between real time and non real time service categories, refer to column 2 lines 23 to 35 and column 10 lines 25 to 45. The benefit being that ATM traffic includes both real time (CBR) and non real time (VBR and ABR) and providing these same services to wireless customers will enhance the system capabilities and increase sales and profits.

3. Regarding claim 3 – Freeburg discloses said step of obtaining and reserving is carried out repeatedly upon occurrence of an update condition, which is the frame period, refer to Figures 8 and 10 and column 10 lines 50 to 65 and column 11 lines 60 to 67.

4. Regarding claim 4 – Freeburg discloses said update condition resides in the lapse of an update period, refer to Figures 8 and 10 and column 10 lines 50 to 65 and column 11 lines 60 to 67 and column 13 lines 3 to 12.

5. Regarding claim 5 – Freeburg does not expressly disclose said update condition resides in an entering of a RT bearer to the radio network or the leaving of an RT and/or NRT bearer from the network.

Moore discloses providing for RT and NRT traffic and allocating the extra bandwidth to the NRT traffic which could result from the termination of a RT connection and a setup of a NRT connection, refer to Figure 4 and the abstract and column 2 lines 25 to 65 and column 4 lines 5 to 30 and column 8 lines 10 to 56.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Freeburg with Moore to allocate the extra capacity (difference between the total capacity and the capacity required for the real time traffic) for non real time data and as RT users terminate a connection adding NRT users. The suggestion/motivation for doing so would have been that Freeburg discloses distinguishing between real time and non real time service categories, refer to column 2 lines 23 to 35 and column 10 lines 25 to 45. The benefit being that ATM traffic includes both real time (CBR) and non real time (VBR and ABR) and providing these same services to wireless customers will enhance the system capabilities and increase sales and profits.

6. Regarding claim 6 – Freeburg discloses said update condition resides in that a predetermined time of a day is reached, refer to Figures 8, 10, and 14 and column 10 lines 50 to 65 and column 11 lines 60 to 67 and column 13 lines 2 to 12.

7. Regarding claim 7 – Freeburg does not expressly disclose in a very first obtaining step, a predetermined value for the transmission resources required for handling real time traffic is used, and in all subsequent obtaining steps, a detected value of the actually required transmission resources for handling real time traffic is used.

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Moore discloses using a timing ring and at startup providing a predetermined amount of capacity (preallocating) for real time traffic and after the system is up and running providing for the actual capacity that is being requested by real time users, refer to Figure 4 and the abstract and column 2 lines 25 to 65 and column 4 lines 5 to 40 and column 8 lines 10 to 56.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Freeburg with Moore to provide for a predetermined amount of capacity at startup and once the system is operating provide for the actual usage requested by real time traffic. The suggestion/motivation for doing so would have been that Freeburg discloses distinguishing between real time and non real time service categories and giving priority to real time traffic and this would apply at startup as well, refer to column 2 lines 23 to 35 and column 10 lines 25 to 45. The benefit being that ATM traffic includes both real time (CBR) and non real time (VBR and ABR) and providing these same services to wireless customers will enhance the system capabilities and increase sales and profits.

8. Regarding claim 10 – Freeburg discloses said channel element identifiers are virtual path identifiers VPI and virtual channel identifiers VCI, refer to column 8 lines 30 to 40 and column 10 lines 50 to 65 and column 12 lines 34 to 55.

### ***Response to Arguments***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims 2-7 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kilkki (US 6,081,505) discloses a cell scheduling system and method for network nodes.
2. Vaman et al. (US 6,011,780) discloses a transparent non-disruptable ATM network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

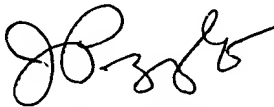
Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

1 February 2005

  
JOHN PEZZLO  
PRIMARY EXAMINER